NOVA SCOTIA Office of Economic Development

POLICY TITLE: **Routine Access Policy**

POLICY STATEMENT:

Consistent with the spirit and intent of the *Freedom of Information and Protection of Privacy (FOIPOP) Act*, the Office of Economic Development[1] attempts first to respond to requests for information by means other than requiring a formal application for records under the *FOIPOP Act*. Formal FOIPOP applications are treated as an avenue of last resort when other means of access to information have been exhausted.

In keeping with this approach and to facilitate access to information, the Office of Economic Development classifies certain records or categories of records as available through routine access subject to the limitations specified in this policy. Categories of records available through routine access are listed in "Schedule A"[2] which forms part of this policy.

PURPOSE / OBJECTIVES:

The purpose of this policy is to provide a pro-active approach to access to information that reflects the spirit of openness and accountability embodied in the *FOIPOP Act*; specifically to identify categories of records available on a routine access basis.

This Routine Access Policy shall be administered in accordance with the following principles:

(A) **Third Party Privacy / Confidentiality**
Records containing personal information of an identifiable individual or confidential business information of a third party shall not be disclosed by the Office of Economic Development unless that information has been severed from the record or with the

[1] There are five Agencies which report through the Minister of the Office of Economic Development (InNOVAcorp, Nova Scotia Business Inc., Nova Scotia Film Development Corporation, Trade Centre Limited, Waterfront Development Corporation Limited). OED and WDCL utilize this policy, while the other Agencies are responsible for their own Routine Access Policy.

[2] There are separate "Schedule A"s. One for each of OED and WDCL.

written consent of the third party.

(B) **Timeliness**
The Office of Economic Development shall apply best efforts to respond to routine access requests in a reasonable and timely fashion. Best efforts will be applied to respond to routine access requests within 30 days of receipt of the written application.

(C) **Transparency**
This policy shall be available upon request and posted on the Office of Economic Development website.

APPLICATION

This policy applies to:

- those records and categories of records designated under this policy as available on a routine access basis as listed in "Schedule A".

This policy does not apply to:

- records created prior to October 23, 2003.
- requests that comprise more than 50 pages of records whether made as one large request or a series of small requests by one Requestor or a group of associated Requestors.
- requests of a repetitious, systematic, frivolous or vexatious nature, that in the opinion of the CEO, Office of Economic Development, or the CEO of the Agency as appropriate, or his/her delegate, constitute an abuse of the opportunity for access under the Routine Access policy.

POLICY DIRECTIVES

1. The Administrator will coordinate responses to routine access requests.
2. Routine access requests must be made in writing.
3. Fees do not apply for responding to routine access requests.
4. Staff who receive routine access requests must forward them without delay to the Administrator for response.

5. All FOIPOP applications will be screened to determine if they can be responded to entirely, or in part, through routine access. Therefore, no fees will be processed until this determination has been made.

6. Records classified as available on a routine access basis will be reviewed for personal information, confidential business information and other information that may be exempted from disclosure in accordance with Sections 12 - 21 of the FOIPOP Act and any such identified information may be severed from the record prior to disclosure

7. Routine access requests will be tracked in accordance with requirements of Department of Justice.

8. The Routine Access Policy will be posted on the Office of Economic Development's website, or the appropriate Agency's website.

POLICY GUIDELINES

1. When of the Office of Economic Development receives a FOIPOP application or routine access request the application / request will be reviewed against the list of records approved for routine access as listed in "Schedule A".

2. If the requested record is subject to this policy, as listed in "Schedule A", the Administrator will promptly have the requested record retrieved and sent to the Applicant / Requestor.

3. Best efforts will be applied to respond to routine access requests within 30 days of receipt of the written application / request by the office of the Administrator.

4. If the requested record is not listed in "Schedule A", the Administrator will notify the Requestor and provide the Requestor with information about procedures for obtaining access including, where appropriate, procedures for making an application under the *FOIPOP Act*.

ACCOUNTABILITIES

CEO, Office of Economic Development

- overall management responsibility for the policy
- champion annual review of the policy

Administrator

- day to day implementation of the policy
- track routine access requests in accordance with Department of Justice requirements
- monitor and report on compliance with the policy
- evaluate the policy and make recommendations for the annual review

Staff

- forward routine access requests without delay to the Administrator for response
- respond in a timely fashion to requests from the Administrator to locate and retrieve records requested under the routine access policy

MONITORING

Compliance with the policy directives will be monitored on an ongoing basis by the Administrator

The policy will be formally evaluated and reviewed on an annual basis by the CEO, Office of Economic Development.

REFERENCES

- Definitions (see Appendix 1)
- Section 2 of the *FOIPOP Act* (see Appendix 2)

INQUIRIES

For more information about this policy please contact:

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APPROVED BY:	*R.A. MacKay, CEO, Office of Economic Development*
APPROVAL DATE:	*October, 22, 2003*
REPLACES:	N/A
REVIEW DATE:	*[TBD]*

Schedule "A"
Office of Economic Development
Routine Access Records

The following list includes those records and categories of records that have been classified under the Routine Access Policy as available on a routine access basis

RECORD DESCRIPTION*	RESTRICTIONS
FINANCIAL	
Individual expense claims	-for a three month period within the current fiscal year and for a maximum of three individuals in one department at any one time. Information to be released by category e.g. travel, lodging, meals etc., subject to privacy issues.
Cost of renovations	-for specific offices carried out within the previous six months. General expenses only, subject to privacy issues.
Cost of special or specific events	-e.g., conferences, luncheons, workshops, training , etc. within three months of event having taken place. General information only, subject to privacy issues.
Cost of sending a delegation out of the province or out of the country	Information to be released by category i.e. travel, lodging, meals etc., subject to privacy issues.
Overtime expenditures	-(current year-to-date) for specific departments or divisions, subject to privacy issues.
Detailed expenditure reports	-by category, (e.g. salaries, travel, etc.) for a maximum of three per fiscal year, subject to privacy issues.
Ministerial monthly expenses	-per summary provided to Executive Council office.
Final audits of programs/activities	-by Finance, Justice or other government departments.
Contracts for goods and services	-subject to confidentiality and privacy issues.
HUMAN RESOURCES	
Generic information on benefits and hours of work	
Secondment agreements	-both within government and outside government (excluding personal information).
Organizational charts	-without names and subject to privacy issues.
Generic job descriptions, pay scale and classification of positions	

Union vs. non-Unionized positions	-percentage of unionized v non-unionized position in specific department or government.
Department attendance management statistics	-excluding personal information
Hiring process:	-subject to privacy issues.
-# of applicants per competition	
-# of persons interviewed/eligible for interview	
-screening criteria contained in the job posting	
-identity of selection panel (to persons interviewed only)	
-name of successful candidate, once offer has been accepted	
Personal Service Contracts	Personal service contracts of individuals not appointed pursuant to the Civil Service Act, excluding personal information and trade (service or product) secrets.
Management Policy Manuals	
Adjudication decisions	-subject to privacy issues.
OPERATIONS	
Accountability Reporting	-subject to privacy issues.
Quarterly Reporting	-subject to privacy issues.

* Does not apply to records created prior to October 23, 2003.

Schedule "A"
Waterfront Development Corporation
Routine Access Records

The following list includes those records and categories of records that have been classified under the Routine Access Policy as available on a routine access basis

RECORD DESCRIPTION*	RESTRICTIONS
FINANCIAL	
Individual expense claims	-for a three month period within the current fiscal year and for a maximum of three individuals in one department at any one time. Information to be released by category i.e. travel, lodging, meals etc., subject to privacy issues.
Cost of renovations	-for specific offices carried out within the previous six months. General expenses only, subject to privacy issues.
Cost of special or specific events	-e.g., conferences, luncheons, workshops, training , etc. within three months of event having taken place. General information only, subject to privacy issues.
Cost of sending a delegation out of the province or out of the country	Information to be released by category i.e. travel, lodging, meals etc., subject to privacy issues.
Overtime expenditures	-(current year-to-date) for specific departments or divisions., subject to privacy issues.
Detailed expenditure reports	-by category, (e.g. salaries, travel, etc.) for a maximum of three per fiscal year , subject to privacy issues.
Final audits of programs/activities	-by Finance, Justice or other government departments
Contracts for goods and services	-subject to confidentiality and privacy issues.
HUMAN RESOURCES	
Generic information on benefits and hours of work	
Secondment agreements	-both within government and outside government (excluding personal information).
Organizational charts	-without names and , subject to privacy issues.
Generic job descriptions, pay scale and classification of positions	

Union vs. non-Unionized positions	-percentage of unionized v non-Unionized position in specific department or government.
Attendance management statistics	-excluding personal information
Hiring process:	-subject to privacy issues.
-# of applicants per competition	
-# of persons interviewed/eligible for interview	
-screening criteria contained in the job posting	
-identity of selection panel (to persons interviewed only)	
-name of successful candidate, once offer has been accepted	
Personal Service Contracts	Personal service contracts of individuals not appointed pursuant to the Civil Service Act, excluding personal information and trade (service or product) secrets.
Management Policy Manuals	
Adjudication decisions	

* Does not apply to records created prior to October 23, 2003.

APPENDIX 1

- DEFINITIONS -

DEFINITIONS

"active dissemination"	the periodic and pro-active release of information or records in the absence of a request using mechanisms such as the Internet, libraries, etc.
"Administrator"	the officer responsible for receiving and responding to applications made to the Office of Economic Development under the *FOIPOP Act* (currently the Acting / FOIPOP Administrator, c/o Nova Scotia Business Inc.)
"confidential business information"	As referenced in the FOIPOP Act (Reference - s. 21) means: *"information that would reveal:* • *"trade secrets of a third party;* • *commercial, financial, labour relations, scientific or technical information of a third party; ... [or]* • *information obtained on a tax return or gathered for the purposes of determining tax liability or collecting a tax* *that is supplied, implicitly or explicitly, in confidence.*
"FOIPOP access"	the release of a record in response to a formal application made under the *FOIPOP Act*
"personal information"	As defined in the *FOIPOP Act* (Reference - s. 3(1)(I)) *"Means recorded information about an identifiable individual including* • *the individual's name, address or telephone number;* • *race national or ethnic origin, colour religious or political beliefs or associations;* • *age, sex, sexual orientation, marital status or family status;* • *an identifying number, symbol or other particular assigned to the individual;* • *fingerprints, blood type or inheritable characteristics;* • *the individual's health-care history, including a physical or mental disability;* • *educational, financial, criminal or employment history;*

- *anyone else's opinion about the individual; and*
- *the individual's personal views or opinions, except if they are about someone else."*

"record"	As defined in the *FOIPOP Act* (Reference - s. 3(1)(k)) *"Includes books, documents, maps, drawings, photographs, letters, vouchers, papers or any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records."*
"Requestor"	the person requesting access under the Routine Access Policy
"routine access"	the routine or automatic release, in full or in part, of a specified record in response to a request without the need for a formal application for records under the *FOIPOP Act.*

APPENDIX 2

- REFERENCE LEGISLATION -

Freedom of Information and Protection of Privacy Act

Section 2 - Purpose of Act

"s. 2 The purpose of this Act is

(a) to ensure that public bodies are fully accountable to the public by

(i) giving the public a right of access to records,

(ii) giving individuals a right of access to, and a right to correction of, personal information about themselves,

(iii) specifying limited exceptions to the rights of access,

(iv) preventing the unauthorized collection, use or disclosure of personal information by public bodies, and

(v) providing for an independent review of decisions made pursuant to this Act; and

(b) to provide for the disclosure of all government information with necessary exemptions, that are limited and specific, in order to

(i) facilitate informed public participation in policy formulation,

(ii) ensure fairness in government decision-making,

(iii) permit the airing and reconciliation of divergent views;

(c) to protect the privacy of individuals with respect to personal information about themselves held by public bodies and to provide individuals with a right of access to that information."